Double Patenting

Claims 1-14, 16-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 09/074,681.

Applicant respectfully traverses this provisional rejection. The instant application and copending Application No. 09/074,681 were both filed on May 8, 1998. Moreover, the claims of the instant application and copending Application No. 09/074,681 do not claim common subject matter and are patentably distinct. The claims of the instant application are directed in part to the ability to transfer and store a created playlist into nonvolatile storage resident on the actual A/V device, whereas the claims of copending Application No. 09/074,681 are directed to a method of creating and automatically the custom playlist. The claims of the copending application do not teach transferring the custom playlist to an A/V device or saving the custom playlist to a non-volatile memory of the A/V device.

Claim Rejections – 35 USC §103

Claims 1-14 and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Douma et al. in view of Montoya et al. Applicant respectfully traverses this rejection of the claims.

Applicant has carefully reviewed the Examiner's remarks on pages 6-8 of the August 2, 2001 office action and wishes to offer the following reply. While the arguments put forth in the office action address some of the issues raised by Applicant, they fail to address other important arguments put forth by Applicant and to look at the claims as a whole. A significant problem that Applicant still sees with the rejection over Douma et al. in view of Montoya et al. is that while Douma teaches that a remote computer can generate a playlist, the reference does not teach or suggest that the playlist is transmitted to any A/V system and stored on an A/V system. Rather, Douma transmits command instructions or codes only; this is not the same as transmitting the

playlist. Moreover, the command instructions are transmitted to an intelligent A/V receiver, not an actual A/V device. This approach is quite different from Applicant's and has its drawbacks. If the link is broken, tracks cannot be played, since control of the A/V device is performed remotely. Similarly, if power is lost, all the information is lost as well. This problem is overcome in the present invention by transferring the actual playlist (and not just command codes) to the actual A/V device; the present invention does not require the use of an expensive, redundant intelligent A/V receiver and thus can simply transfer and receive data over a simple link.

Even if one were to combine Douma et al. with Montoya et al., this shortcoming of the references is not overcome. Montoya et al. is cited as a reference teaching how a playlist can be generated. It does not teach or suggest transmitting a playlist to a remote A/V device or storing it directly on the A/V device as required in the claims.

In light of the foregoing facts, Applicant must respectfully reassert the patentability of the claims of the instant application over the combination of Douma et al. and Montoya et al. The arguments put forth by the response of August 2, 2001 do not overcome these shortcomings. The Examiner argues that the PC of Douma et al. surely has a nonvolatile memory. While this may be the case, the generated playlist will not be stored in a NVM of a PC since, according to Douma, the playlist itself is never transferred! Only the command codes or instructions are transferred and these are transmitted to an intelligent A/V receiver, not an A/V device. The Examiner further argues that Applicant made the argument that Montoya and Douma do not detail a "virtual CD." Applicant must take the opportunity to point out that the term "virtual CD" was not used in the remarks put forth in Applicant's June 20, 2001 response and so this characterization is not accurate. Additionally, whether Montoya or Douma et al. teach that a playlist is modifiable, they nonetheless fail to teach, suggest, disclose, or otherwise obviate that an entire playlist, after being created, is then transferred for storage to the actual A/V device itself.

In light of the foregoing remarks, Applicant again takes the opportunity to reiterate the shortcomings of the Douma and Montoya references below. This discussion was presented previously, but serves to underscore and provide support for the foregoing remarks that are aimed at moving prosecution of this application forward in a meaningful way.

Applicant respectfully submits that the Douma and Montoya references, whether considered together or singly, do not teach aspects of the present invention. The Douma reference describes a "remote control" system for multimedia systems. Commonly, remote controls are handheld devices which communicate with multimedia devices via a wireless (infrared) link. Typically, they only work when the user is in the same room as the multimedia device. The Douma reference describes a remote control system in which the handheld device is replaced by a computer and the wireless link is replaced by the Internet. This enables a multimedia device to be controlled remotely from any location. Further, Douma describes an intelligent A/V receiver (10) which allows multiple devices to be connected to the same Internet node. The operation of the Douma system is summarized in his Figure 2. Steps 206, 208, 210, 212, 214 all describe a process for sending commands to control a multimedia component.

In contrast, the present invention is not concerned with remote control of a plurality of A/V devices. All control is performed locally on the A/V device itself, or via a separate remote control. The present invention allows playlist data stored in a non-volatile memory in the A/V device to be updated via a link. Once the memory is updated, the link is no longer required. The control of the A/V device (play, stop, volume, etc) is not performed by the external device. This control is performed via controls on the A/V device itself or through use of a remote control device (page 6 lines 10-13 of the specification).

The remote computer described in the Douma reference may be used to generate a playlist, but the playlist is not transmitted to any of the A/V systems nor is it stored on the A/V device. Douma (col 2 lines 54-61 et seg) describes the transfer of information to an intelligent A/V receiver. However, this information consists of control instructions (commands). No playlist is transferred. Further, the information is only transferred to the intelligent A/V receiver, not to the A/V devices themselves. If the link is broken, the tracks cannot be played, since control of the A/V device is performed remotely. Further, all information will be lost when power is shut-off. The A/V devices do not contain non-volatile memory. In contrast, they contain code to operate control switches (142 in Fig 5).

The system of Douma requires use of an intelligent A/V receiver, configured as an Internet node. The present invention does not use an intelligent A/V receiver. The A/V device of the present invention needs only to receive or transmit data over a simple link, such as an RS232 link. The A/V device does not act as an Internet node. The method of the present invention avoids the (significant) cost of an intelligent A/V receiver.

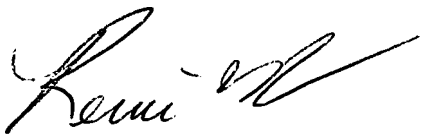
Montoya also describes the generation of a playlist. However, Montoya does not disclose transferring the playlist to a remote A/V device, nor does he disclose storing the playlist in a memory on a remote A/V device. Since neither Montoya nor Douma disclose these steps, even if one were to combine the Douma and Montoya references, the result would not be the claimed invention. The result would also not suggest or in any way render obvious the claimed invention. The specification (page 2, lines 12-22) recognizes that creating a custom playlist on an A/V device is known. However, the inclusion of a graphical user interface into a consumer A/V device, as might be suggested by the Montoya reference is prohibitively expensive, and teaches away from the present invention. The present invention recognizes that an expensive graphical user interface is not required, since the same functionality may be achieved by using a PC, or other external device, which the user might already own. In this way, the

benefits of a graphical user interface are achieved without the large additional cost of a built-in graphical user interface.

Applicant has previously amended independent claim 1 to better claim these distinctions between the present invention and the Douma and Montoya references, whether considered separately or together. Claims 2-14 and 16-25 depend from claim 1. Applicant believes that the foregoing remarks overcome the rejection of the claims over the Douma and Montoya reference, whether considered singly or together. Reconsideration and allowance of these claims are therefore respectfully requested at the Examiner's earliest convenience.

The Examiner's continued work on this application is appreciated. If there are any questions, the Examiner is cordially invited to contact the undersigned.

Respectfully submitted,



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